

SENATE BILL 1738

By Cohen

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 8, relative to the University of Memphis.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-8-101, is amended by redesignating subsection (b) to be subsection (b)(1), and by adding the following new subdivision:

(b)

(2) Notwithstanding the provisions of subdivision (b)(1), the internal affairs of the University of Memphis shall be vested in a separate board as provided for in Part 6 of this chapter.

SECTION 2. Tennessee Code Annotated, Section 49-8-203, is amended by adding the following new subsection:

(g) Notwithstanding the provisions of subsections (a) or (f), the powers of the board relative to the University of Memphis shall be limited to the following:

(1) Confirm the appointment of a president of the University of Memphis; provided that the president shall continue to serve unless the appointment is rejected by a majority of the board;

(2) Review and submit to the Tennessee higher education commission, with comments, the budget proposed for the university in accordance with Part 6 of this chapter;

(3) Receive information on and comment on any policies, programs, curricula, degrees, or construction proposed by the University of Memphis; and

(4) Accept or allocate moneys, appropriations or other donations to the university and purchase land and other property for the benefit of that university on the same basis as with other colleges and universities of the board.

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 8, Part 6, is amended by adding the following as a new section:

Section 49-8-604.

(a)

(1) There is created a board of trustees for the University of Memphis. The board shall consist of twelve (12) members appointed by the governor for terms of six (6) years; two (2) members of the state board of regents, appointed by the chief executive officer of the board of regents for the term of their tenure on the board of regents; one (1) faculty member appointed by the faculty senate for a term of one (1) year; one (1) student who shall be appointed annually by the governor from a list of three (3) nominees selected and submitted no later than the month of April by the president of the student government association for a term of one (1) year; and the senator and representative who represent the area in which the university is located, for their respective terms in office.

(2) The initial appointments made by the governor shall be half for three (3) year terms and half for six (6) year terms; thereafter, all

appointments by the governor, except the filling of vacancies, shall be for full six (6) year terms.

(3) In appointing public members to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(4) Members are eligible for reappointment.

(5) If a vacancy occurs, except by reason of expiration of term, it shall be filled for the remainder of the term.

(6) Each of the two (2) leading political parties shall be represented thereon by at least three (3) appointive members.

(7) At least four (4) of the appointed members shall be alumni of the University of Memphis. "Alumni," as used herein, means a person who has attended the university for at least two (2) years.

(8) At least one (1) of the appointment members shall be under thirty (30) years of age.

(9) The first meeting of the board after all members have been appointed shall be upon the call of the governor. The board thereafter shall meet at least quarterly.

(10) The board shall elect from its members a chair and such other officers as it may deem appropriate, shall determine their terms of office, and shall adopt rules for the organization and conduct of business.

(11) Board members shall receive no compensation for their services, but shall be entitled to reimbursement for travel expenses incurred in the performance of their official duties, in conformity with the comprehensive travel regulations as promulgated by the department of

finance and administration and approved by the attorney general and reporter.

(b) Subject to the provisions of Section 49-8-203(g), the board has the power to:

(1) Select and employ the chief executive officer of the university and to confirm the appointment of administrative personnel, teachers and other employees of the university, and to fix their salaries and terms of office;

(2) Prescribe curricula and requirements for diplomas and degrees;

(3) Approve the operating and capital budgets of each of the schools under its control, and otherwise set policies for their fiscal affairs;

(4) Establish policies and regulations regarding the campus life of the university, including, but not limited to, the conduct of students, student housing, parking and safety;

(5) Assume general responsibility for the operation of the university, delegating to the chief executive officer such powers and duties as are necessary and appropriate for the efficient administration of the university and its programs.

(6) Receive donations of money, securities, and property from any source on behalf of the university, which gifts shall be used in accordance with the conditions set by the donor.

(7) Purchase land subject to the terms and conditions of state regulations, to condemn land, to erect buildings and equip them for the university subject to the terms and conditions of legislative appropriations. The board shall be vested with title to property so purchased or acquired.

The title to property held on behalf of the university by the state board of regents shall be transferred to the board on the effective date of this act.

(8) The board has such other powers, not otherwise prescribed by law, as are necessary to carry out the provisions of this part, and it is the expressed legislative intent and purpose to vest similar and comparable responsibility and authority in the board as is authorized for the board of trustees of the University of Tennessee; provided, that in exercising any power to borrow money for any purpose, whether by the issuance of bonds or notes or by any other method, the board shall first secure the approval of the state school bond authority. The board shall also have all powers granted to the board of regents or individual institutions under Chapters 7 and 8 of this title, and all such provisions shall apply equally to the university as to institutions of the board of regents or the University of Tennessee board of trustees.

(c) Notwithstanding any other provision of law, neither the board of regents nor any institution under its jurisdiction is authorized to borrow money for any purpose, whether by the issuance of bonds or notes or by any other method, without first securing the approval of the state school bond authority.

(d) The board shall not enter into any final agreement or other final arrangement for a merger or consolidation with a private institution of higher education without the authorization of the general assembly, acting through legislation, resolution or appropriations.

(e) It is unlawful for any member of the board to be financially interested in any contract or transaction affecting the interests of the university to procure, or be a party in any way to procuring, the appointment of any relative to any position of financial trust or profit connected with the university and colleges

governed. A violation of this subdivision shall subject the member so offending to removal by the governor or the board.

(f) The board shall make and submit an annual report to the governor and general assembly at the end of each fiscal year.

(g) Until changed by action of the general assembly, the University of Memphis shall continue to be funded on the same basis as set out in the funding formula for higher education in effect on the effective date of this act.

SECTION 4. This act shall take effect upon January 1, 2002, the public welfare requiring it, but for planning purposes and the promulgation of any necessary rules or regulations, shall take effect upon becoming a law, the public welfare requiring it.